

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY SP D.C.

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, JACKSON

KENNETH RAY BRASHER,

Plaintiff,

VS.

HENDERSON COUNTY, ET AL.,

Defendants.

No. 04-2774-T/P

ORDER DIRECTING CORRECTION OF THE DOCKET
AND
ORDER FOR PLAINTIFF TO GIVE NOTICE

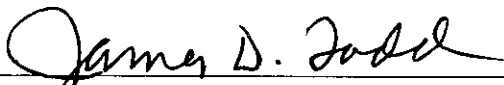
Plaintiff Kenneth Ray Brasher, Tennessee Department of Correction prisoner number 252163, who is currently incarcerated at the Haywood County Jail in Brownsville, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 in the Western Division of this district on September 27, 2004 in connection with his previous confinement at the Henderson County Jail ("Jail"). Plaintiff also filed an *in forma pauperis* affidavit and a motion for appointment of counsel. On November 30, 2004, the Clerk of Court docketed a letter from the plaintiff suggesting that the case should be transferred to the Eastern Division of this district. The Clerk docketed another letter from the plaintiff on January 13, 2005 inquiring about the status of the case. District Judge J. Daniel Breen issued an order on January 24, 2005 transferring the case to this division.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 8/15/05

On March 7, 2005, plaintiff filed a notice of change of address in another case that he filed in this division, Brasher v. Henderson County, et al., No. 04-1271 (W.D. Tenn. dismissed May 3, 2005). Plaintiff did not, however, file a similar notice in this case. Therefore, the Clerk is directed to modify the docket in this case to reflect the change of address plaintiff filed in No. 04-1271.

On June 10, 2005, plaintiff filed a document, entitled "Notifycation [sic]," advising that he is unable to afford copies, stamps, paper, and pens and stating that "[i]f there is any justic [sic] in this case it will come by the hands of God." This document suggests, but does not explicitly state, that he wishes to voluntarily dismiss this lawsuit. Accordingly, the plaintiff is ORDERED to notify the Court, in writing, within 30 days after the entry of this order, whether he intends to pursue this lawsuit. The plaintiff should be aware that, even if he voluntarily dismisses the case, the Court is still required to assess the civil filing fee, which accrues as soon as a case is filed. Failure timely to comply with this order will result in the dismissal of this action without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 12th day of August, 2005.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 2:04-CV-02774 was distributed by fax, mail, or direct printing on August 15, 2005 to the parties listed.

Kenneth Ray Brasher
Haywood County Jail
410 Highway 70 East
Brownsville, TN 38012

Honorable James Todd
US DISTRICT COURT